

**FILED**

**NOV 22 2011**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BEOB JOON YOO,

Defendant.

No. CR 09-01118 DLJ

STIPULATION AND [PROPOSED]  
ORDER CONTINUING HEARING DATE  
AND EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT

SAN JOSE VENUE

The undersigned parties respectfully request that the status hearing currently scheduled for November 29, 2011 be continued to January 12, 2012. The reason for the continuance is that defense counsel Patrick Valencia is continuing his investigation, and needs additional time to review the evidence in the case. In addition, Mr. Valencia will be in trial the first week of December, and AUSA Susan Knight will be in trial in *United States v. Qin*, CR 11-00083 PJH, during the week of December 12, 2011. The Court is unavailable on November 29, 2011. The parties also request an exclusion of time under the Speedy Trial Act from November 29, 2011 through January 12, 2011. The parties agree and stipulate that an exclusion of time is appropriate

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1 based on the defendant's need for effective preparation of counsel.

2 SO STIPULATED:

MELINDA HAAG  
United States Attorney

3 DATED: 11/21/11

4 /s/  
SUSAN KNIGHT  
Assistant United States Attorney

5 DATED: 11/21/11

6 /s/  
PATRICK VALENCIA  
Counsel for Mr. Yoo

7  
8  
9 ORDER

10 Accordingly, for good cause shown, the Court HEREBY ORDERS that the status hearing in  
11 United States v. Beob Joon Yoo currently scheduled for November 29, 2011 is continued to  
12 January 12, 2012 at 9:00 a.m.

13 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from  
14 November 29, 2011 through January 12, 2012. The Court finds, based on the aforementioned  
15 reasons, that the ends of justice served by granting the requested continuance outweigh the best  
16 interest of the public and the defendant in a speedy trial. The failure to grant the requested  
17 continuance would deny defense counsel reasonable time necessary for effective preparation,  
18 taking into account the exercise of due diligence, and would result in a miscarriage of justice.  
19 The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§  
20 3161(h)(7)(A) and (B)(iv).

21 SO ORDERED.

22 DATED: 11-22-11

23   
D. LOWELL JENSEN  
United States District Judge